

19 January 1978

Approved For Release 2002/10/30 : CIA-RDP86-00101R000100020034-5

WORKING NOTES CONCERNING TITLE II - INTELLIGENCE ACTIVITIES  
AND INDIVIDUAL RIGHTS AND TITLE VI - FEDERAL BUREAU OF  
INVESTIGATION

TITLE II

There is unanimous resentment among DDA commentators about Section 202 which appears to be entirely gratuitous and indeed downright insulting. We are unanimous in our hope that this section can be deleted, at least down as far as Subsection (5).

On page 7, Subsection (15), the definition of the term United States should be identical with the definition which will appear in TITLE IV.

On page 8, <sup>Sub</sup>Section (18), clarification is needed. The reference to "such laws" in the next to last line could conceivably be read to include comparable laws of other countries.

Page 9 - Section 205(a)(1) gives the Attorney General the right to approve or disapprove regulations or procedures proposed to implement provisions of this Title. Given the sweep and comprehensiveness of this Title this would seem to involve the Attorney General far too deeply in the day-to-day administration of the Agency. As a general observation, the role of the Attorney General throughout this Title is so expanded as to make him the controlling officer whose authority would clearly compete with the authorities of the DNI/DCI.

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Page 10 - Subsection (8) refers in turn to paragraph (8). We believe the reference should be to paragraph (7). The <sup>also</sup> mistake/appears in Subsection (10)

Page 11 - Subsection (11): Here, and in many other places, use is made of the word "insure" in situations where it would be more appropriate to say "take all steps necessary to ensure."

Page 12 - Subsection (C) (<sup>iv</sup>~~IV~~) is a confusing paragraph. Perhaps they meant to refer to officers "who perform the same duties as are assigned to...."

Page 17 - Subsection (D): In this and a number of later similar paragraphs we would be limited to seeking information from "any entity of the Intelligence Community." This is too restrictive; we frequently, in national Agency checks for example, must seek information from such places as the Civil Service Commission and the United States Passport Office. These sections should permit requests for information from any agency of the United States government.

Page 22 - Subsection (e) should not require requests for information to be written requests. Frequently, more informal, speedier searches are required. Here, again, the records of "any U.S. government agency" should be available.

Page 23 - Subsection (h) is far too restrictive. Incidental acquisition should not be precluded, rather the retention of information incidentally acquired but inappropriate to our purposes should be precluded.

Page 25 - Section 208(a): The three subparagraphs are not linked, leading to possible confusion. I assume they are "or" paragraphs, not "and" paragraphs. On the same page, Subsection (b), we find another indication of the pervasive authority of the Attorney General in areas where general guidelines should suffice.

Page 38 - Section 211(a) appears to ignore our responsibilities under the Privacy Act. Section 211 has the same title as Section 220 and although the two sections are far from identical, it would appear that the subject of Maintenance, Use and Dissemination of Information should be covered in one not two competing sections.

Page 40 - Subsection (g) should be revised to permit us to share information on the trustworthiness of individuals who have been investigated but never in fact given access to classified information. On the same page in Subsection (h) the requirement for giving written explanations about our interest in an individual could result in a serious invasion of that individual's privacy.

Page 47 - Subsection (4) would restrict the use of journalists. Given the Director's public statements on this subject, we should probably oppose the inclusion of this limitation.

Page 50 - Section 215(a)(1) is of concern if it would



Page 53 - I do not understand Section 217.

Page 55 - Section 219 is far too broad and would appear to involve the Attorney General in the formulation of many regulations of no concern to him.

Page 56 - Section 220 again covers the same subject as Section 211 and again appears to ignore our obligations under the Privacy Act. Subsection (4) is too restrictive in view of the fact that we frequently do not know the citizenship of an individual when we obtain information on him. The restrictions here should refer to "persons known to be U.S. persons."

Page 57 - Subsection (8) is a records keeper's nightmare and totally unworkable. "Sealing" is a term not in common use in the records and archives world and should be defined. The concept of sealing records appears to suggest the thought that records are discreet pieces of information when, in fact, a given document may contain information about literally

dozens of people. One cannot seal sections of such a document. The emphasis in this section should be on controlling the inappropriate use of information, not its maintenance.

TITLE VI

The Offices of the DDA had no substantive comments to make on Title VI.